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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,234	04/03/2001	Keith Ludwig	BTI 01.01 D	9839
27667	7590	01/10/2006	EXAMINER	
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			KESACK, DANIEL	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/825,234		LUDWIG ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dan Kesack		3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/12/2001</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This application has been reviewed. Original claims 1-34 are pending. The rejections are as stated below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 8, 9, 11-13, 17, 23, 27, 30, 31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 12, 13, 17, 27, and 31 recite "said financial data". There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which these claims depend, does not mention "financial data".

Claims 8, 9, 11 recite "said selected business object". There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which these claims depend, does not mention a "selected business object".

Claim 23 recites "said original data". There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which this claim depends, does not mention "original data".

Claim 30 recites "said object". There is insufficient antecedent basis for this limitation in the claim. More than one "object" is mentioned in claim 30 and claim 1 from which it depends. Clarification is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-7, 12-21, 24-31 rejected under 35 U.S.C. 102(a) as being anticipated by Kitchen et al. U.S. Patent No. 6,289,322.

Kitchen discloses an electronic bill processing method and system comprising:

(Re: Claims 1-4, 7, 14-16, 18, 19, 24-27, 30, 31)

a network interface for receiving and transmitting communications via the Internet (column 6 lines 29-30);

Art Unit: 3624

storing data related to a number of biller entities, and a number of payer entities, biller data such as biller's name, remittance center address, deposit account number, account numbers of respective payers (column 6 lines 37-42) and payer information such as name, social security number, address, and telephone numbers (column 11 lines 20-27);

memory storing billing information, associated with various billers, representing bills for various payers, the billing information received from the billers via the network (column 3 lines 9-15);

multiple methods of completing a transaction based on the biller data and payer data stored in memory, including electronic funds transfer and hardcopy check, and a payer selecting which method of completing the transaction should be used (column 8 lines 58-67);

the processor generating instructions to transmit the electronic funds transfer instructions via the network if the electronic funds transfer method is selected by the payer, and generating instruction to print a hardcopy check if the hardcopy check method is selected by the payer (column 9 lines 7-10 and 30-33);

(Re: Claims 5, 12)

the server processor normalizing the billing information received from billers, and storing the information in memory, and inserting said billing

Art Unit: 3624

information into billing templates including degrees of detailed billing information, logos, and terms and conditions (column 6 line 65 – column 7 line 5);

(Re: Claim 6)

notifying the payer of a bill, send said processed billing information in a billing template via email or other message (column 7 lines 8-10);

(Re: Claim 13, 17)

completing the transaction between the biller and the payer in accordance with the method selected by the payer, transmitting via network an electronic funds transfer instruction to the payer's deposit account at one of the applicable financial institutions, or generating a hardcopy check with the appropriate account information (column 12 lines 39-48);

(Re: Claims 20, 21, 28, 29)

security features including using private user information such as social security number, and mother's maiden name for verification purposes, and requiring the user to complete log on information in order to access the system, in the form of a user name and password (column 11 lines 23-25 and 49-51).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 8-11, 22, 23, 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchen et al.

Kitchen fails to teach the use of an extensible markup language, structured query language, or non-browser XML-enabled application in order to display information and interact with the system, using a firewall, and the use of a backup mechanism.

Official notice is taken that extensible markup languages, structured query languages, and XML are old and well known methods of performing operations in a database, or transmitting messages and information over a network such as the Internet. Therefore, it would be obvious to one of ordinary skill in the art at the time of

the Applicant's invention to use these well known methods in order to implement the system and method disclosed in Kitchen.

Further, firewalls and database backups are also old and well known in the art. It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to incorporate a backup mechanism and a firewall in the system and method disclosed in Kitchen. The use of these well known methods protects and secures sensitive financial information, such as the information being processed by the system and method of Kitchen. It is desirable that such a system be safe, secure, and protected against data loss and system failure.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**HANI M. KAZIMI**  
**PRIMARY EXAMINER**